

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIYAM AKMAL,

Plaintiff,

V.

BOEING COMMERCIAL AIRPLANES, et al.,

Defendants.

Case No. C18-697RSM

ORDER OF DISMISSAL

This matter comes before the Court *sua sponte* on the Court's Order to Show Cause, Dkt. _____.

#13. Plaintiff Mariyam Akmal filed this action on May 14, 2018, and her Complaint was filed on the docket four days later. *See* Dkts. #1–5. She named as Defendants “Boeing Commercial Airplanes” and several individuals associated with Boeing. Dkt. #5. No Defendant has appeared.

On September 7, 2018, the Court issued an Order to Show Cause why this case should not be dismissed for failure to comply with Rule 4(m)'s timing requirement for service. Dkt. #13. In an earlier filing with this Court, Plaintiff stated she believed she had 120 days to serve Defendants from the time she filed this action. Dkt. #12 at 1. Regardless, the Court's Order to Show Cause indicated that Plaintiff had not served defendants within the 90 day time limit set by Rule 4(m). Under that rule, the Court must dismiss this action without prejudice or order that

1 service be made within a specific time, “unless plaintiff shows good cause for the failure.” The
2 Court provided Plaintiff an opportunity to explain the delay in service. Dkt. #13.

3 Plaintiff responded on September 18, 2018, stating that she “simply did not realize that
4 as of 2015, the time had been reduced to 90 days” to serve defendants. Dkt. #14 at 2. She
5 apologized for not being aware of the current rule. She stated, “right as I was preparing the
6 praecipe for the issuance of the summons, not realizing that I had already missed the 90 day
7 deadline, I discovered another case against the defendant Boeing which parallels mine very
8 closely.” *Id.* She went on to say she is still in the process of securing a lawyer. She provided
9 no further explanation for failing to serve within 90 or even 120 days of the Complaint being
10 filed.

11 Federal Rule of Civil Procedure 4(m) states in part:

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13 If a defendant is not served within 90 days after the complaint is
14 filed, the court—on motion or on its own after notice to the
15 plaintiff—must dismiss the action without prejudice or order that
16 service be made within a specified time. But if the plaintiff shows
17 good cause for the failure, the court must extend the time for service
18 for an appropriate period.

19 Fed. R. Civ. P. 4(m). Several years ago, this rule was changed to reduce the time for service
20 from 120 days to 90 days, effective December 1, 2015.

21 The Court finds that Plaintiff has failed to serve Defendants within the time limit set by
22 Rule 4(m) and failed to provide good cause for that failure. Even if Plaintiff had believed in
23 good faith that she had 120 days to serve, she admits now that she has failed to serve within that
24 extended deadline. Plaintiff’s explanation that she continues to discover new relevant cases and
25 continues to search for a lawyer that will take her case do not adequately explain the failure to
26 serve, as such efforts could be continued after service. The Court is forced to conclude that
27 dismissal without prejudice is appropriate in this case.

1 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
2 finds and ORDERS:

3 1) Plaintiff's claims are DISMISSED without prejudice.
4 2) This case is CLOSED.

5 DATED this 19 day of September 2018.
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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE
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